

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

By this amendment, claims 39, 45, 51, 57, 63, 69, 75, and 81 have been amended, claims 41-44, 47-50, 53-56, 59-62, 65-68, 71-74, 77-80, and 83-86 have been canceled. Therefore, claims 39, 40, 45, 46, 51, 52, 57, 58, 63, 64, 69, 70, 75, 76, 81, and 82 are pending.

Reconsideration of claims 39, 40, 45, 46, 51, 52, 57, 58, 63, 64, 69, 70, 75, 76, 81, and 82 as amended herein is requested.

In item 2, the Examiner indicated that references (AN) 2627574 CN and (AT) 1569334 CN of the December 21, 2005 IDS were not considered because no English translation was filed. These references were cited in a corresponding Chinese Patent Office Action and were thus included in the IDS. At the time of filing the IDS, Applicant's were unable to obtain any English translation of these references. However, in the meantime, English abstracts for the references were obtained. The English abstracts made it clear that the references are not at all material to the present invention.

In items 3 and 4, the Examiner objected to the IDS of October 28, 2003 for failing to include a copy of all the references cited under the "Foreign Patent Documents" and "Other Documents" sections. This objection is traversed because the present application is a divisional application of parent application 09/705,737 and copies of the references are not required. According to 37 CFR 1.98(d) copies of the references are not required if the references were submitted to, or cited by, the Office in an earlier application (09/705,737) and the earlier application is properly identified in the IDS (see the heading information on page 1 of the IDS of October 28, 2003), is relied on for an earlier effective filing date under 35 USC 120 (the present application claims the filing date of 09/705,737 under 35 USC 120), and the IDS submitted in the earlier application complies with 37 CFR 1.98(a) - (c) (which it does).

With respect to the required concise statement of relevance for each non-English reference, information regarding the concise statement of relevance for each such reference was filed in the earlier application in the form of a translation, an English abstract, a statement that

the reference corresponds to one of the English references cited in the IDS, or a listing on a search report by a foreign patent office in a counterpart foreign application (see MPEP 609.04(a)). This information is clearly set forth in the IDC of October 28, 2003.

In view of the above, all the reference cited in the IDS filed October 28, 2003 were properly cited and consideration of the references by the Examiner is required and again requested.

In item 5, the Examiner indicates that applicant is required to file a certified copy of the foreign priority applications according to 35 USC 119(b). However, as pointed out above, the present application is a divisional application. The certified copy of the foreign priority documents were filed in the parent application and are thus not required to again be filed in the present application.

In item 7, the Title was objected to. Accordingly, the Title has been amended and is clearly indicative of the claimed invention.

In item 8, the drawings were objected to for allegedly not showing every feature of the claimed invention. This objection is traversed. The overall structure is shown, for example, in Fig. 115, and the detail of modulator 4 is shown in Fig. 127 as C-CDM Modulator 4. The C-CDM 4 is disclosed in the original specification on page 82, lines 16-25, as a Code Divisional Multiplex, which is known as DCMA. The combination of CDM with other modulation systems, such as QAM or PSK, or other multiplexing system is disclosed from page 86, line 26 to page 87 line 4.

In item 10, claims 39-44, 51-56, 63-68, and 75-80 were rejected on the ground of non-statutory double patenting, based on In re Schneller, over claims 31 and 32 of U.S. Patent No. 5,555,275.

With respect to all of the non-statutory non-obviousness type double patenting rejections, it is noted that MPEP § 804(II)(B)(2) deals with non-statutory double patenting rejections based on In re Schneller, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). The MPEP states that the decision in In re Schneller did not establish a rule of general application and thus is limited to the particular set of facts set forth in that decision. This section of the MPEP also states that non-

statutory double patenting rejections based on Schneller will be rare and that after agreement by the SPE, “the approval of the TC Director must be obtained before such a non-statutory double patenting rejection can be made.” (Emphasis added). Further, it is worth noting the Board of Appeals & Interferences decision in Ex parte Davis, which, while not a precedential opinion, reflects a PTO Board of Appeals and Interferences opinion that “the principal opinion therein [i.e., in Schneller] is of doubtful controlling precedent.” Ex parte Davis, 56 USPQ2d 1434, 1436 (Bd. Pat. App. & Inter. 2000). This decision by the Board serves to reinforce the requirement for TC Director approval before such a double patenting rejection is imposed.

There is no indication that the requisite approval of the TC Director has been obtained. Accordingly, it is requested that all of the provisional non-statutory non-obviousness double patenting rejections based on In re Schneller be withdrawn.

Also, the present pending claims as amended are not anticipated by or obvious in view of claims 31 and 32 of US patent 5,555,275. Claims 31 and 32 of USP 5,555,275 claim a system having a transmitter and a receiver using the non-uniform mapping technique. As shown in Fig. 8 of USP '275, the video data is transmitted using the first data stream (low resolution image data) and the second data stream (high resolution image data). USP '275 claims a system having a transmitter and a receiver using the data structure such that the first data stream is prepared by constellation mapping of four signal points (QPSK), and the second data stream is prepared by constellation mapping of 16 signal points (16QAM).

In contradistinction, according to the present invention, amended claims 39 and 45 claim a telephone (not a system) for transmitting an up-link signal to a base station and for receiving first and second down-link signals from the base station, and claims 63 and 69 recite similar features as a method. Likewise, amended claims 51 and 57 claim a base station (not a system) for receiving an uplink signal from a telephone and transmitting a first downlink signal and a second downlink signal to the telephone, and claims 75 and 81 recite similar features as a method. The individually claimed telephone and base stations are not a system having a transmitter at one location and a receiver separately at another location, but are each a single device which has both a signal transmitting function and a signal receiving function. For

transmitting the first data stream, the first data stream is modulated by QPSK modulation, which has a strong reliability with respect to errors, and transmitted as an up-link signal. For receiving the second data stream, the second data stream is presented in two separate signals, the first down-link signal and the second down-link signal. The second data stream is n-level PSK modulated or n-level QAM modulated and transmitted as the second down-link signal. The first down-link signal is modulated according to a QPSK modulation and carrying information of data for demodulation of the second data stream. The data for demodulation as carried in the first down-link signal is used for demodulating the second down-link signal into the second data stream.

Furthermore, according to the present invention, the data rate of the second down-link signal is changeable or variable.

Such features are not claimed in claims 31 and 32 of U.S. Patent No. 5,555,275. Thus, the double patenting rejection with respect to U.S. Patent No. 5,555,275 should be withdrawn.

In item 14, claims 39-44, 51-56, 63-68, and 75-80 were rejected on the ground of non-statutory double patenting, based on In re Schneller, over claim 2 of U.S. Patent No. 6,256,357.

This rejection is traversed as being an improper non-statutory non-obviousness double patenting rejection as discussed above. Also, the present pending claims are not anticipated by or obvious in view of claim 2 of US patent 6,256,357.

Claim 2 of USP 6,256,357 claims a signal receiving apparatus wherein the first data stream has data for demodulation including information representing the number of signal points of the second data stream, and the second data stream is demodulated according to the data for demodulation.

In contradistinction, according to the present invention, amended claims 39 and 45 claim a telephone for transmitting an up-link signal to a base station and for receiving first and second down-link signals from the base station, and claims 63 and 69 recite similar features as a method. Likewise, amended claims 51 and 57 claim a base station for receiving an uplink signal from a telephone and transmitting a first downlink signal and a second downlink signal to the telephone, and claims 75 and 81 recite similar features as a method. For transmitting the first data stream,

the first data stream is modulated by QPSK modulation, which has a strong reliability with respect to errors, and transmitted as an up-link signal. For receiving the second data stream, the second data stream is presented in two separate signals, the first down-link signal and the second down-link signal. The second data stream is n-level PSK modulated or n-level QAM modulated and transmitted as the second down-link signal. The first down-link signal is modulated according to a QPSK modulation and carrying information of data for demodulation of the second data stream. The data for demodulation as carried in the first down-link signal is used for demodulating the second down-link signal into the second data stream.

Furthermore, according to the present invention, the data rate of the second down-link signal is changeable or variable.

Such features are not claimed in claim 2 of U.S. Patent No. 6,256,357. Thus, the double patenting rejection with respect to U.S. Patent No. 6,256,357 should be withdrawn.

In item 18, claims 39-86 were rejected on the ground of non-statutory double patenting, based on In re Schneller, over claims 1 and 4 of U.S. Patent No. 5,892,879.

This rejection is traversed as being an improper non-statutory non-obviousness double patenting rejection as discussed above. Also, the present pending claims are not anticipated by or obvious in view of claims 1 and 4 of US patent 5,892,879.

U.S. Patent 5,892,879 discloses the same subject matter as U.S. Patent 5,555,275, but the claimed invention has such a feature that the modulated signal is converted to orthogonal frequency division multiplexing (OFDM) system. Claims 1 and 4 do not recite the inventions recited in the present claims as amended herein and discussed in detail above. Therefore, this rejection should be withdrawn.

In item 22, claims 39-44, 51-56, 63-68, and 75-80 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 5 of US Patent 5,802,241. This rejection is traversed and is inapplicable to claims 39, 40, 51, 52, 63, 64, 75, and 76 as amended herein.

U.S. Patent 5,802,241 has been surrendered in favor of Reissue Patent RE38,483. Therefore, there are no possible issues of double patenting with respect to patent 5,802,241.

In item 26, claims 39-86 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 3 of US patent 5,819,000. This rejection is traversed and is inapplicable to claims 39, 40, 45, 46, 51, 52, 57, 58, 63, 64, 69, 70, 75, 76, 81, and 82 as amended herein.

Amended claims 39 and 45 claim a telephone for transmitting an up-link signal to a base station and for receiving first and second down-link signals from the base station, and claims 63 and 69 recite similar features as a method. Likewise, amended claims 51 and 57 claim a base station for receiving an uplink signal from a telephone and transmitting a first downlink signal and a second downlink signal to the telephone, and claims 75 and 81 recite similar features as a method. For transmitting the first data stream, the first data stream is modulated by QPSK modulation, which has a strong reliability with respect to errors, and transmitted as an up-link signal. For receiving the second data stream, the second data stream is presented in two separate signals, the first down-link signal and the second down-link signal. The second data stream is n-level PSK modulated or n-level QAM modulated and transmitted as the second down-link signal. The first down-link signal is modulated according to a QPSK modulation and carrying information of data for demodulation of the second data stream. The data for demodulation as carried in the first down-link signal is used for demodulating the second down-link signal into the second data stream.

Furthermore, according to the present invention, the data rate of the second down-link signal is changeable or variable.

Claim 3 of US Patent 5,819,000 does not recite these features and such features would not have been obvious to a person having ordinary skill in the art at the time the present invention was made in light of claim 3 of US patent 5,819,000.

In item 33, claims 39-86 were rejected on the ground of non-statutory obviousness-type double patenting over claims 39-110 of application 10/695,780. This rejection is traversed and is inapplicable to claims 39, 40, 45, 46, 51, 52, 57, 58, 63, 64, 69, 70, 75, 76, 81, and 82 as amended herein, because there is no claim in US application 10/695,780 which claims that the

data rate of the second down-link signal is changeable as recited in each of independent claims 39, 45, 51, 57, 63, 68, 75, and 81 as amended herein.

In item 82, claims 39-44, 51-56, 63-8, and 75-80 were rejected on the ground of non-statutory obviousness-type double patenting over claims 3 and 27 of application 10/778,171. This rejection is traversed and is inapplicable to claims 39, 40, 45, 46, 51, 52, 57, 58, 63, 64, 69, 70, 75, 76, 81, and 82 as amended herein.

Claims 1-38 of application 10/778,171 were canceled by a Preliminary Amendment filed February 17, 2004, i.e., the filing date of the application. The remaining pending claims 39 and 40 in US application 10/778,171 are directed to a common oscillator for VSB and QAM. Thus, the claimed invention in US application 10/778,171 is not relevant to the claimed invention of the present application.

In item 84, claims 39-44, 51-56, 63-68, and 75-80 were rejected under 35 USC 102(e) as being anticipated by Halbert-Lassalle et al. (US 5197061). This rejection is traversed and is inapplicable to claims 39, 40, 51, 52, 63, 64, 75, and 76 as amended herein for the following reasons.

According to Halbert-Lassalle et al., Fig. 5 shows a transmission device which divides the source signal into two signals by a distribution 51 and transmits the two signals in two different modulation systems.

In contradistinction, according to the present invention, amended claims 39 and 45 claim a telephone for transmitting an up-link signal to a base station and for receiving first and second down-link signals from the base station, and claims 63 and 69 recite similar features as a method. Likewise, amended claims 51 and 57 claim a base station for receiving an uplink signal from a telephone and transmitting a first downlink signal and a second downlink signal to the telephone, and claims 75 and 81 recite similar features as a method. For transmitting the first data stream, the first data stream is modulated by QPSK modulation, which has a strong reliability with respect to errors, and transmitted as an up-link signal. For receiving the second data stream, the second data stream is presented in two separate signals, the first down-link signal and the second down-link signal. The second data stream is n-level PSK modulated or n-level QAM modulated

and transmitted as the second down-link signal. The first down-link signal is modulated according to a QPSK modulation and carrying information of data for demodulation of the second data stream. The data for demodulation as carried in the first down-link signal is used for demodulating the second down-link signal into the second data stream.

Furthermore, according to the present invention, the data rate of the second down-link signal is changeable or variable.

Such features are not disclosed nor taught by Halbert-Lassalle et al. Thus, the invention of Halbert-Lassalle et al. does not have the advantageous effect that the transmission capacity between the base station and the telephone using the up-link transmission and the down-link transmission can be increased.

In view of the above, claims 39, 40, 51, 52, 63, 64, 75, and 76 as amended are not anticipated by Halbert-Lassalle et al.

In item 86, claims 39-44, 51-56, 63-68, and 75-80 were rejected under 35 USC 102(e) as being anticipated by Wei (US 5243629). This rejection is traversed and is inapplicable to claims 39, 40, 51, 52, 63, 64, 75, and 76 as amended herein for the following reasons.

According to Wei, Fig. 1 shows a transmission device wherein the more important information is encoded with more error protection than the remaining ones of the plurality of classes of information.

In contradistinction, according to the present invention, amended claims 39 and 45 claim a telephone for transmitting an up-link signal to a base station and for receiving first and second down-link signals from the base station, and claims 63 and 69 recite similar features as a method. Likewise, amended claims 51 and 57 claim a base station for receiving an uplink signal from a telephone and transmitting a first downlink signal and a second downlink signal to the telephone, and claims 75 and 81 recite similar features as a method. For transmitting the first data stream, the first data stream is modulated by QPSK modulation, which has a strong reliability with respect to errors, and transmitted as an up-link signal. For receiving the second data stream, the second data stream is presented in two separate signals, the first down-link signal and the second down-link signal. The second data stream is n-level PSK modulated or n-level QAM modulated

and transmitted as the second down-link signal. The first down-link signal is modulated according to a QPSK modulation and carrying information of data for demodulation of the second data stream. The data for demodulation as carried in the first down-link signal is used for demodulating the second down-link signal into the second data stream.

Furthermore, according to the present invention, the data rate of the second down-link signal is changeable or variable.

Such features are not disclosed nor taught by Wei. Thus, the invention of Wei does not have the advantageous effect that the transmission capacity between the base station and the telephone using the up-link transmission and the down-link transmission can be increased.

In view of the above, claims 39, 40, 51, 52, 63, 64, 75, and 76 as amended are not anticipated by Wei.

In item 88, claims 39-44, 51-56, 63-68, and 75-80 were rejected under 35 USC 102(e) as being anticipated by Hess et al. (US 5170413). This rejection is traversed and is inapplicable to claims 39, 40, 51, 52, 63, 64, 75, and 76 as amended herein for the following reasons.

According to Hess et al., a transmission device for modulating four sub-channel signals into QAM modulated signals, respectively, and for transmitting the QAM modulated signals, and a receiving device for receiving the QAM modulated signals and for QAM demodulating into the four sub-channel signals.

In contradistinction, according to the present invention, amended claims 39 and 45 claim a telephone for transmitting an up-link signal to a base station and for receiving first and second down-link signals from the base station, and claims 63 and 69 recite similar features as a method. Likewise, amended claims 51 and 57 claim a base station for receiving an uplink signal from a telephone and transmitting a first downlink signal and a second downlink signal to the telephone, and claims 75 and 81 recite similar features as a method. For transmitting the first data stream, the first data stream is modulated by QPSK modulation, which has a strong reliability with respect to errors, and transmitted as an up-link signal. For receiving the second data stream, the second data stream is presented in two separate signals, the first down-link signal and the second down-link signal. The second data stream is n-level PSK modulated or n-level QAM modulated

and transmitted as the second down-link signal. The first down-link signal is modulated according to a QPSK modulation and carrying information of data for demodulation of the second data stream. The data for demodulation as carried in the first down-link signal is used for demodulating the second down-link signal into the second data stream.

Furthermore, according to the present invention, the data rate of the second down-link signal is changeable or variable.

Such features are not disclosed nor taught by Hess et al. Thus, the invention of Hess et al. does not have the advantageous effect that the transmission capacity between the base station and the telephone using the up-link transmission and the down-link transmission can be increased.

In view of the above, claims 39, 40, 51, 52, 63, 64, 75, and 76 as amended are not anticipated by Hess.

In item 90, claims 39-44, 51-56, 63-68, and 75-80 were rejected under 35 USC 102(e) as being anticipated by Jasper et al. (US 5519730). This rejection is traversed and is inapplicable to claims 39, 40, 51, 52, 63, 64, 75, and 76 as amended herein for the following reasons.

According to Jasper et al., a transmission device for modulating four sub-channel signals into 16QAM modulated signals, respectively, and for transmitting the 16QAM modulated signals, and a receiving device for receiving the 16QAM modulated signals and for 16QAM demodulating into the four sub-channel signals.

In contradistinction, according to the present invention, amended claims 39 and 45 claim a telephone for transmitting an up-link signal to a base station and for receiving first and second down-link signals from the base station, and claims 63 and 69 recite similar features as a method. Likewise, amended claims 51 and 57 claim a base station for receiving an uplink signal from a telephone and transmitting a first downlink signal and a second downlink signal to the telephone, and claims 75 and 81 recite similar features as a method. For transmitting the first data stream, the first data stream is modulated by QPSK modulation, which has a strong reliability with respect to errors, and transmitted as an up-link signal. For receiving the second data stream, the second data stream is presented in two separate signals, the first down-link signal and the second

down-link signal. The second data stream is n-level PSK modulated or n-level QAM modulated and transmitted as the second down-link signal. The first down-link signal is modulated according to a QPSK modulation and carrying information of data for demodulation of the second data stream. The data for demodulation as carried in the first down-link signal is used for demodulating the second down-link signal into the second data stream.

Furthermore, according to the present invention, the data rate of the second down-link signal is changeable or variable.

Such features are not disclosed nor taught by Jasper et al. Thus, the invention of Jasper et al. does not have the advantageous effect that the transmission capacity between the base station and the telephone using the up-link transmission and the down-link transmission can be increased.

In view of the above, claims 39, 40, 51, 52, 63, 64, 75, and 76 as amended are not anticipated by Jasper.

In item 92, claims 39-44, 51-56, 63-68, and 75-80 were rejected under 35 USC 102(b) as being anticipated by Yoshida et al. (US 4751478). This rejection is traversed and is inapplicable to claims 39, 40, 51, 52, 63, 64, 75, and 76 as amended herein for the following reasons.

According to Yoshida et al., a transmission device for modulating a plurality of signals and for multiplexing the modulated signals, and a receiving device for demodulating received signal.

In contradistinction, according to the present invention, amended claims 39 and 45 claim a telephone for transmitting an up-link signal to a base station and for receiving first and second down-link signals from the base station, and claims 63 and 69 recite similar features as a method. Likewise, amended claims 51 and 57 claim a base station for receiving an uplink signal from a telephone and transmitting a first downlink signal and a second downlink signal to the telephone, and claims 75 and 81 recite similar features as a method. For transmitting the first data stream, the first data stream is modulated by QPSK modulation, which has a strong reliability with respect to errors, and transmitted as an up-link signal. For receiving the second data stream, the second data stream is presented in two separate signals, the first down-link signal and the second

down-link signal. The second data stream is n-level PSK modulated or n-level QAM modulated and transmitted as the second down-link signal. The first down-link signal is modulated according to a QPSK modulation and carrying information of data for demodulation of the second data stream. The data for demodulation as carried in the first down-link signal is used for demodulating the second down-link signal into the second data stream.

Furthermore, according to the present invention, the data rate of the second down-link signal is changeable or variable.

Such features are not disclosed nor taught by Yoshida et al. Thus, the invention of Yoshida et al. does not have the advantageous effect that the transmission capacity between the base station and the telephone using the up-link transmission and the down-link transmission can be increased.

In view of the above, claims 39, 40, 51, 52, 63, 64, 75, and 76 as amended are not anticipated by Yoshida.

In item 94, claims 45-50, 57-62, 69-74, and 81-86 were rejected under 35 USC 103(a) as being unpatentable over Halbert-Lassalle et al. in view of Hulyalkar et al (US 5291289). This rejection is traversed and is inapplicable to claims 45, 46, 57, 58, 69, 70, 81, and 82 as amended herein for the following reasons.

As discussed in detail above, Halbert-Lassalle does not disclose or suggest the features recited in claims 45, 57, 69, and 81, e.g., a telephone for transmitting an up-link signal to a base station and for receiving first and second down-link signals from the base station, a base station for receiving an uplink signal from a telephone and transmitting a first downlink signal and a second downlink signal to the telephone, the second data stream presented in two separate signals, the first down-link signal and the second down-link signal, the data for demodulation as carried in the first down-link signal is used for demodulating the second down-link signal into the second data stream, and the data rate of the second down-link signal is changeable or variable. The Examiner has relied on Hulyalkar et al. for a disclosure of a multiplexer and demultiplexer. However, Hulyalkar does not provide the disclosure missing in Halbert-Lassalle of the features of claims 45, 57, 69, and 81 as discussed above. Therefore, no obvious

combination of the disclosures of Halbert-Lassalle and Hulyalkar would result in, or otherwise render obvious, the inventions recited in claims 45, 46, 57, 58, 69, 70, 81, and 82 as amended.

In item 96, claims 45-50, 57-62, 69-74, and 81-86 were rejected under 35 USC 103(a) as being unpatentable over Wei in view of Rice (US 5210770). This rejection is traversed and is inapplicable to claims 45, 46, 57, 58, 69, 70, 81, and 82 as amended herein for the following reasons.

As discussed in detail above, Wei does not disclose or suggest the features recited in claims 45, 57, 69, and 81, e.g., a telephone for transmitting an up-link signal to a base station and for receiving first and second down-link signals from the base station, a base station for receiving an uplink signal from a telephone and transmitting a first downlink signal and a second downlink signal to the telephone, the second data stream presented in two separate signals, the first down-link signal and the second down-link signal, the data for demodulation as carried in the first down-link signal is used for demodulating the second down-link signal into the second data stream, and the data rate of the second down-link signal is changeable or variable. The Examiner has relied on Rice for a disclosure of CDMA. However, Rice does not provide the disclosure missing in Wei of the features of claims 45, 57, 69, and 81 as discussed above. Therefore, no obvious combination of the disclosures of Wei and Rice would result in, or otherwise render obvious, the inventions recited in claims 45, 46, 57, 58, 69, 70, 81, and 82 as amended.

In item 98, claims 45-50, 57-62, 69-74, and 81-86 were rejected under 35 USC 103(a) as being unpatentable over Hess in view of Rice. This rejection is traversed and is inapplicable to claims 45, 46, 57, 58, 69, 70, 81, and 82 as amended herein for the following reasons.

As discussed in detail above, Hess does not disclose or suggest the features recited in claims 45, 57, 69, and 81, e.g., a telephone for transmitting an up-link signal to a base station and for receiving first and second down-link signals from the base station, a base station for receiving an uplink signal from a telephone and transmitting a first downlink signal and a second downlink signal to the telephone, the second data stream presented in two separate signals, the first down-link signal and the second down-link signal, the data for demodulation as carried in the first down-link signal is used for demodulating the second down-link signal into the second data

stream, and the data rate of the second down-link signal is changeable or variable. The Examiner has relied on Rice for a disclosure of CDMA. However, Rice does not provide the disclosure missing in Hess of the features of claims 45, 57, 69, and 81 as discussed above. Therefore, no obvious combination of the disclosures of Hess and Rice would result in, or otherwise render obvious, the inventions recited in claims 45, 46, 57, 58, 69, 70, 81, and 82 as amended.

In view of the above amendments and remarks, it is submitted that claims 39, 40, 45, 46, 51, 52, 57, 58, 63, 64, 69, 70, 75, 76, 81, and 82 are allowable over the prior art of record and that the present application is in condition for allowance. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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